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Alain Delpuch

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SCHWEGMAN, LUNDBERG & WOESSNER/OPEN TV

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EXAMINER

MENDOZA, JUNIOR O

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/661,160	Applicant(s) DELPUCH ET AL.	
	Examiner JUNIOR O. MENDOZA	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/18/2008; 02/26/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 - 41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objection

2. **Claim 42** is objected to because of the following informalities: a cancelled claim cannot include any text; see 37 CFR 1.121. Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 41 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 41 defines a machine-readable medium which is disclosed as a carrier wave signal; paragraph [0127]. While “functional descriptive material” may be claimed as a statutory product (i.e., a “manufacture”) when embodied on a tangible computer readable medium, a signal embodying that same functional descriptive material is neither a process (i.e., a series of steps per se.) nor a product (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory classes of § 101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 – 16 and 18 - 41** are rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick et al (Pub No US 2007/0124795) in view of Goodman et al. (Patent No US 6,427,238). Hereinafter, referenced as McKissick and Goodman, respectively.

Regarding **claim 1**, McKissick discloses a method to enable user-authoring of content within an interactive television environment, the method including:

communicating television content from a source system to a receiver system, the television content to be presented to a user by the receiver system (Main facility [12] and Television distribution facility [16] distribute program guide data and other information to television equipment [20] via communication path[24], paragraph [0055] also exhibited on fig 1A);

communicating authoring data along with said television content, said authoring data comprising media information associated with the television content, from said source system to the receiver system (McKissick incorporates application 09/356,270 in its entirety; where application 10/918,753 by DeWeese et al. is a continuation of such incorporated reference; hereinafter referenced as DeWeese. DeWeese discloses in

paragraph [0093] also exhibited on fig 9; a real time communication displayed by the set top box application where a program 202 and a chat 204 related to the program are received and displayed simultaneously)

enable the user to create new authored content, said new authored content including-the authoring data associated with the television content as selected by said user (Each set top box 26 implements an interactive television program guide application, which allows the user to send messages, where the program guide is an authoring application; paragraph [0064]; moreover, DeWeese discloses that the television facility distributes the program guide the set top boxes; paragraph [0060]).

However it is noted that McKissick fails to explicitly disclose communicating an authoring application from said source system to the receiver system, the authoring application being executable by the receiver system.

Nevertheless, in a similar field of endeavor Goodman discloses communicating an authoring application from said source system to the receiver system, the authoring application being executable by the receiver system (Col. 2 lines 18-51; col. 4 lines 43-60; where the applicant introduced Goodman as a reference in paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 2**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses that at the source system, receiving the authoring data from a content source, and associating the authoring data with the television content (The information transmitted from facility [12] may also include information on interactive message features such as TV contents or links related to the television programming, paragraph [0053]; moreover, DeWeese discloses in paragraph [0093] also exhibited on fig 9; a real time communication displayed by the set top box application where a program 202 and a chat 204 related to the program are displayed simultaneously).

Regarding **claim 3**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses that the authoring data is contextual to the television content (The information transmitted from facility [12] may also include information on interactive message features such as TV contents or links related to the television programming, paragraph [0053]; moreover, DeWeese discloses in paragraph [0093] also exhibited on fig 9; a real time communication displayed by the set top box application where a program 202 and a chat 204 related to the program are displayed simultaneously).

Regarding **claim 4**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses that the authoring application comprises a messaging application executable by the receiver system (Each set top box 26 implements an interactive television program guide application, which allows the user to send

messages, where the program guide is an authoring application; paragraph [0064]; moreover, DeWeese discloses that the television facility distributes the program guide the set top boxes; paragraph [0060]).

to enable the user to include the new authored content within a message, and to enable the user to communicate the message (The television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users, paragraph [0122]).

Regarding **claim 5**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses a television content, the authoring data, and an authoring application (Program 330, message 322 and graphical user interface application [32], paragraph [0082] also exhibited on fig. 18).

However, McKissick fails to disclose that the television content, the authoring data, and the authoring application are communicated from the source system as a combined communication.

Nevertheless, in a similar field of endeavor Goodman discloses the television content, the other interactive television data, and a television application are communicated from the source system as a combined communication (Col. 2 lines 18-51; col. 4 lines 43-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application

to the receiver side in a single transmission medium, saving the source company the need to include different transmission paths for different data which saves them money.

Regarding **claim 6**, McKissick and Goodman disclose the method of claim 5; however, McKissick fails to disclose that the combined communication comprises a broadcast.

Nevertheless, in a similar field of endeavor Goodman discloses that the combined communication comprises a broadcast (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1 – broadcast signal18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in a single transmission medium, saving the source company the need to include different transmission paths for different data which saves them money.

Regarding **claim 7**, McKissick and Goodman disclose the method of claim 5; moreover, McKissick discloses a television content, the authoring data, and an authoring application (Program 330, message 322 and graphical user interface application [32], paragraph [0082] also exhibited on fig. 18).

However, McKissick fails to disclose that the source system includes a multiplexer to multiplex the television content, other interactive television data, and a television application.

Nevertheless, in a similar field of endeavor Goodman discloses that the source system includes a multiplexer to multiplex the television content, other interactive television data, and a television application (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1 – multiplexer 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in a single transmission medium, saving the source company the need to include different transmission paths for different data which saves them money.

Regarding **claim 8**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses that said authoring data comprises text, images, and audio associated with said television content (Paragraph [0126]; the user can send text, video stills and audio messages related to a program)

Regarding **claim 9**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses presenting a user interface for display on the receiver system (Paragraph [0070]; graphical user interface),

the user interface to receive the user identification of the portion of the authoring data to be included within the new authored content (Paragraph [0130]; programming related content or authoring data can be attached to the message [324], where for

example the score of the game being watched can be send together with the message as shown in figure 18 with a "NFL score update" title).

However it is noted that McKissick fails to explicitly disclose executing the authoring application.

Nevertheless, in a similar field of endeavor Goodman discloses executing the authoring application (Col. 2 lines 18-51; col. 4 lines 43-60; graphical interface; where the applicant introduced Goodman as a reference in paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 10**, McKissick and Goodman disclose the method of claim 9; moreover, McKissick discloses the user interface presents the authoring data in association with the television content at the receiver system for selection by said user (Paragraph [0130]; programming related content or authoring data can be attached to the message [324], where for example the score of the game being watched can be send together with the message as shown in figure 18).

Regarding **claim 11**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses at the receiver system, executing the authoring application to transmit the authored content as part of a message to a recipient

(programming related content or authoring data can be attached to the message [324] being sent to another Television messaging system, where for example the score of the game being watched can be send together with the message as shown in figure 18, paragraph [0130]).

Regarding **claim 12**, McKissick and Goodman disclose the method of claim 11; moreover, McKissick discloses executing the authoring application to prompt the user to provide identification information for the recipient (in figure 18 the message received identifies who was the sender of the message, in this case the message was sent by “Adam”).

Regarding **claim 13**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses the receiver system is an interactive television system, and the authoring application is an interactive television application (set top box [26] contains a processor to handle tasks associated with implementing an interactive television program guide application containing television message features, paragraph [0064]).

Regarding **claim 14**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses present a virtual keyboard for display on the receiver system, the virtual keyboard to facilitate alphanumeric input by said user (television screen keyboard [50] illustrated in fig 1C, paragraph [0071]).

However it is noted that McKissick fails to explicitly disclose at the receiver system, executing the authoring application.

Nevertheless, in a similar field of endeavor Goodman discloses at the receiver system, executing the authoring application (Col. 2 lines 18-51; col. 4 lines 43-60; graphical interface; where the applicant introduced Goodman as a reference in paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 15**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses at the receiver system, receive alphanumeric input from a user (Television screen keyboard [50] illustrated in fig 1C which allows the user to input a message, paragraph [0071]),

and to identify the alphanumeric input for inclusion along with authoring data within the authored content (Television messaging system display screen [421] allows the user to enter the user identity information, name [423] and address [427], paragraph [0094] also exhibited on fig 6B).

However it is noted that McKissick fails to explicitly disclose at the receiver system, executing the authoring application.

Nevertheless, in a similar field of endeavor Goodman discloses at the receiver system, executing the authoring application (Col. 2 lines 18-51; col. 4 lines 43-60; graphical interface; where the applicant introduced Goodman as a reference in paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 16**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses at the receiver system, executing the authoring application to receive a recipient identifier to identify a recipient of a message that includes the authored content (The set top box application may obtain the recipient's destination address information necessary to forward the message, paragraph [0087]).

Regarding **claim 18**, McKissick and Goodman disclose the method of claim 16; moreover, McKissick discloses that the message comprises an e-mail message, and the recipient identifier comprises an e-mail address (the destination address may be an e-mail address where the electronic messages may be sent, paragraph [0087]).

Regarding **claim 19**, McKissick and Goodman disclose the method of claim 16; moreover, McKissick discloses that the message comprises an instant message, and the recipient identifier comprises an instant message handle (communications may also be sent between set top boxes in the form of instant messages, paragraph [0080]).

Regarding **claim 20**, McKissick and Goodman disclose the method of claim 16; moreover, McKissick discloses communicating the message via a return path to the source system (Television distribution facility [16] distributes program guide data and other information, including messages, to the user television equipment [20] via communications paths [24], paragraph [0055]).

However it is noted that McKissick fails to explicitly disclose executing the authoring application at the receiver system

Nevertheless, in a similar field of endeavor Goodman discloses executing the authoring application at the receiver system (Col. 2 lines 18-51; col. 4 lines 43-60; graphical interface; where the applicant introduced Goodman as a reference in paragraph [0041]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 21**, McKissick and Goodman disclose the method of claim 20; moreover, McKissick discloses that the return path is a bi-directional communication channel (communication paths [24] are preferably bidirectional to support messaging and to have sufficient bandwidth to allow television content distribution, paragraph [0055]).

Regarding **claim 22**, McKissick and Goodman disclose the method of claim 1; moreover, McKissick discloses that the authoring data includes at least one of a group of information types including numeric, alphanumeric, picture, logo, icon, video, and audio data (The information transmitted from facility [12] may also include information on interactive message features such as TV contents, surveys, evaluations, promotions or links related to the television programming, paragraph [0053]; where the television message system displays an alphanumeric promotion related to the television programming where the viewer can participate, paragraph [0107] also exhibited on fig 17).

Regarding **claim 23**, McKissick discloses a system including:
a source system to distribute television content, and an auxiliary authoring data to a plurality of receiver systems (Paragraph [0126] also exhibited on fig 1A),
said auxiliary authoring data comprising media information associated with and transmitted along with the television content, to the receiver system (Paragraph [0130]; programming related content or authoring data can be attached to the message [324],

where for example the score of the game being watched can be send together with the message as shown in figure 18);

and a receiver system to receive the television content and auxiliary authoring data from the source system (Paragraph [0087]; set top box),

said authoring application allowing a user to create authored content with the auxiliary authoring data (Paragraph [0122] and [0126]; the television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users using their email address or as an instant message).

However it is noted that McKissick fails to explicitly disclose a source system to distribute an authoring application and a receiver system to receive the authoring application.

Nevertheless, in a similar field of endeavor Goodman discloses a source system to distribute an authoring application and a receiver system to receive the authoring application (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 24**, McKissick and Goodman disclose the method of claim 23; however, McKissick fails to explicitly disclose that the source system includes a broadcast system to broadcast the television content to the receiver system.

Nevertheless, in a similar field of endeavor Goodman discloses that the source system includes a broadcast system to broadcast the television content to the receiver system (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1 – broadcast signal18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in a single transmission medium, saving the source company the need to include different transmission paths for different data which saves them money.

Regarding **claim 25**, McKissick and Goodman disclose the method of claim 24; moreover, McKissick discloses broadcasting the auxiliary authoring data to the receiver system (Paragraph [0122] and [0126]; the television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users using their email address or as an instant message).

Regarding **claim 26**, McKissick and Goodman disclose the method of claim 23; moreover, McKissick discloses the messaging application to receive the authored content for communication in a message (Paragraph [0130]).

However, McKissick fails to explicitly disclose that the source system is to distribute an application to the receiver system

Nevertheless, in a similar field of endeavor Goodman discloses that the source system is to distribute an application to the receiver system (Col. 2 lines 18-51; col. 4 lines 43-60; graphical interface).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claim 27**, McKissick and Goodman disclose the method of claim 26; moreover, McKissick discloses the messaging application with the television content and the auxiliary authoring data (Figure 18)

However, McKissick fails to explicitly disclose that the source system is to distribute the messaging application in conjunction with the television content and the auxiliary authoring data (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1 – multiplexer 14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements

mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in a single transmission medium, saving the source company the need to include different transmission paths for different data which saves them money.

Regarding **claim 28**, McKissick and Goodman disclose the method of claim 23; moreover, McKissick discloses that the receiver system is to communicate the authored content to a messaging system for inclusion within the message (Paragraph [0122] and [0126]; the television message system allows users to send program guide information such as TV program listings, program schedules, and program information as a message to other users).

Regarding **claims 29, 30 and 31**, McKissick and Goodman disclose everything claimed; moreover, claims 29, 30 and 31 are rejected for the same reasons as in claims 17, 18 and 19, respectively.

Regarding **claim 32**, McKissick discloses the authoring application including:
a receiver component to receive auxiliary authoring data (User television equipment 21, figure 1A),

said auxiliary authoring data comprising more than one item of media information associated with and broadcast with television content received by said client machine (Paragraph [0126]; the user may send program guide information to another user as

part of a message; moreover, the user may send audio clips, video clips or video stills from a program **which indeed represents** media information associated with a television program);

a display component to display the auxiliary authoring data to a user (Figure 18; where the user television equipment includes a television display screen 320 that displays a message with the scores from a game to the user);

an input component to receive user identification of at least a portion of the auxiliary authoring data (Figure 17; user can press button 311 in order to include the program guide information in a message which can be sent to another user; where a user can use an interface 32 such as a remote controller [0069]);

and a messaging component to create a message including the portion of the auxiliary authoring data for a messaging system (Paragraph [0065] and [0079]).

However it is noted that McKissick fails to explicitly disclose an authoring application for execution on a client machine.

Nevertheless, in a similar field of endeavor Goodman discloses an authoring application for execution on a client machine (Col. 2 lines 18-51; col. 4 lines 43-60; also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of transmitting a application to the receiver side in case that the receiver side needs it.

Regarding **claims 33, 34, 35 and 36**, McKissick and Goodman disclose everything claimed; moreover, claims 33, 34, 35 and 36 are rejected for the same reasons as in claims 4, 15, 14 and 16, respectively.

Regarding **claim 37**, McKissick and Goodman disclose the method of claim 36; moreover, McKissick discloses that the recipient identifier is selected by a user from a list of stored recipient identifiers (A user may access profiles in a form of “buddy list” which includes the user’s identity, paragraph [0092]).

Regarding **claim 38**, McKissick and Goodman disclose the method of claim 36; moreover, McKissick discloses that the recipient identifier is received as alphanumeric input from the user (Figure 17; the user can type the recipient name 302).

Regarding **claims 39 and 40**, McKissick and Goodman disclose everything claimed; moreover, claims 39 and 40 are rejected for the same reasons as in claims 20 and 21, respectively.

Regarding **claim 41**, McKissick and Goodman disclose the method of claim 1; however, it is noted that McKissick fails to explicitly disclose a machine-readable medium storing a set of instructions that, when executed by machine, causing machine to perform the method of claim 1.

Nevertheless, in a similar field of endeavor Goodman discloses a machine-readable medium storing a set of instructions that, when executed by machine, causing machine to perform the method of claim 1 (Col. 5 lines 26-52).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick by specifically providing the elements mentioned above, as taught by Goodman, for the purpose of including a program that can allow a device to follow instructions and procedures associated with different commands.

6. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over McKissick in view of Goodman further in view of Angel et al (Pub No US 2004/0025192). Hereinafter referenced as Angel.

Regarding **claim 17**, McKissick and Goodman disclose the method of claim 16; however, it is noted that McKissick and Goodman fail to explicitly disclose that the message comprises a SMS message, and the recipient identifier comprises a telephone number.

Nevertheless, in a similar field of endeavor Angel discloses that the message comprises a SMS message, and the recipient identifier comprises a telephone number (SMS messages can be send from TV set top box [12] to a cellular phone [14], paragraph [0032] and [0033] also exhibited on fig 1, it is well inherent that a telephone

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number will be used in order to establish connectivity between the phone and the television set).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McKissick and Goodman by specifically providing such elements, as taught by Angel, for the purpose of allowing the users to send messages to not only other television sets but to telephone systems as well, which provides more flexibility since people are not watching television at all times, therefore this is a good alternative.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

/Junior O Mendoza/
Examiner
Art Unit 2623

/J. O. M./
May 5, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623